

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

07 CRIM.

244

UNITED STATES OF AMERICA

- v. -

CALVIN POWELL,  
a/k/a "Cali-Mo,"  
a/k/a "Fat Boy,"

Defendant.

INDICTMENT

07 Cr. ( )

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:

FILED: 3/29/07

COUNT ONE

The Grand Jury charges:

1. From at least on or about January 21, 2002, up to and including in or about May 2002, in the Southern District of New York and elsewhere, CALVIN POWELL, a/k/a "Cali-Mo," a/k/a "Fat Boy," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that CALVIN POWELL, a/k/a "Cali-Mo," a/k/a "Fat Boy," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Sections 812, 841(a)(1), and 841(b)(1)(A) of Title 21, United States Code.

JUDGE KEENAN

### Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York:

a. In or about the early morning hours of January 21, 2002, three co-conspirators not named as defendants herein ("CC-1," "CC-2," and "CC-3"), who were members of a violent drug-trafficking gang known as "Murder Unit," tortured and murdered three victims inside an apartment at 690 Gerard Avenue, Bronx, New York, and in the course thereof stole approximately 33 kilograms of cocaine from the victims' apartment.

b. Later in the morning of January 21, 2002, hours after fleeing the scene of the triple homicide, CC-1 called CALVIN POWELL from CC-1's cellular telephone regarding a proposed sale of the stolen cocaine to POWELL.

c. On or about January 21, 2002, CALVIN POWELL received from CC-1 more than five kilograms of the cocaine stolen during the triple-homicide described above.

d. From in or about January 21, 2002, through at least in or about May 2002, CALVIN POWELL sold more than ten kilograms of the stolen cocaine, knowing that it had been stolen during the robbery in which three individuals were tortured and murdered at 690 Gerard Avenue, Bronx, New York.

e. In or about May 2002, CALVIN POWELL gave CC-2 approximately \$15,000, representing a portion of CC-2's share of the proceeds from the sale of the stolen cocaine described above, at an H&R Block where POWELL was then employed, located in the vicinity of 139th Street and Lenox Avenue, New York, New York.

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

4. From at least in or about 2000 up to and including in or about June 2003, in the Southern District of New York and elsewhere, CALVIN POWELL, a/k/a "Cali-Mo," a/k/a "Fat Boy," the defendant, together with others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

5. It was a part and an object of the conspiracy that CALVIN POWELL, a/k/a "Cali-Mo," a/k/a "Fat Boy," the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, 50 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Sections 812, 841(a)(1), and 841(b)(1)(A) of Title 21, United States Code.

Overt Act

6. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York:

a. In or about October 2003, CALVIN POWELL supplied quantities of crack cocaine to a member of "Murder Unit," a violent drug-trafficking gang that controlled the sale of crack cocaine in the vicinity of 157th Street and Gerard Avenue, Bronx, New York.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION

7. As a result of committing the controlled substance offense in Counts One and Two of this Indictment, CALVIN POWELL, a/k/a "Cali-Mo," a/k/a "Fat Boy," the defendant, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Counts One and Two of this Indictment, including but not limited to a sum equal to \$450,000 in United States currency representing the amount of proceeds obtained as a result of the offense in violation of Title 21, United States Code, Section 846.

Substitute Assets Provision

8. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

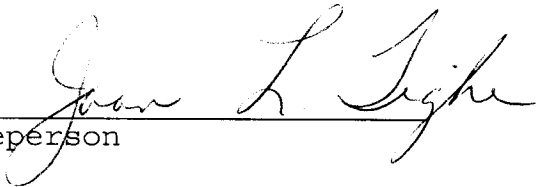
(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty; it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)

  
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Foreperson

  
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MICHAEL J. GARCIA  
United States Attorney

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SOUTHERN DISTRICT OF NEW YORK

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INDICTMENT

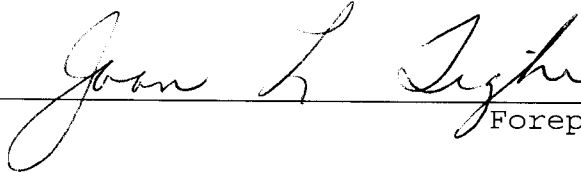
07 Cr.

(Title 21, United States Code,  
Section 846.)

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MICHAEL J. GARCIA  
United States Attorney

A TRUE BILL



Foreperson.